

Calendar No. 531

103D CONGRESS
2D SESSION

S. 2313

[Report No. 103-319]

A BILL

To authorize appropriations for the Nuclear Regulatory Commission for fiscal years 1994 and 1995, and for other purposes.

JULY 25 (legislative day, JULY 20), 1994

Placed on the calendar

Calendar No. 531

103^D CONGRESS
2^D SESSION

S. 2313

[Report No. 103–319]

To authorize appropriations for the Nuclear Regulatory Commission for fiscal years 1994 and 1995, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 25 (legislative day, JULY 20), 1994

Mr. BAUCUS, from the Committee on Environment and Public Works, reported the following original bill; which was read twice and placed on the calendar

A BILL

To authorize appropriations for the Nuclear Regulatory Commission for fiscal years 1994 and 1995, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Nuclear Regulatory Commission Authorization Act for
6 Fiscal Years 1994 and 1995”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR THE
 NUCLEAR REGULATORY COMMISSION

Sec. 101. Authorization of appropriations for fiscal years 1994 and 1995.

Sec. 102. Allocation of amounts authorized.

Sec. 103. Retention of funds.

Sec. 104. Transfer of certain funds.

Sec. 105. Limitation.

TITLE II—NUCLEAR POWER PLANT SAFETY AND SECURITY

Sec. 201. Notification requirements.

Sec. 202. Civil monetary penalties for violations of rules, regulations, orders, or
 licensing requirements.

Sec. 203. Report of Advisory Committee on Reactor Safeguards.

Sec. 204. Carrying of firearms by licensee employees.

Sec. 205. Unauthorized introduction of dangerous weapons.

Sec. 206. Sabotage of production, utilization, or waste storage facilities under
 construction.

Sec. 207. Civil penalties for violations of medical therapy licenses.

Sec. 208. Training and education for medical therapy licenses.

3 **TITLE I—AUTHORIZATION OF**
 4 **APPROPRIATIONS FOR THE**
 5 **NUCLEAR REGULATORY COM-**
 6 **MISSION**

7 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**
 8 **CAL YEARS 1994 AND 1995.**

9 (a) SALARIES AND EXPENSES.—In accordance with
 10 section 261 of the Atomic Energy Act of 1954 (42 U.S.C.
 11 2017) and section 305 of the Energy Reorganization Act
 12 of 1974 (42 U.S.C. 5875), there are authorized to be ap-
 13 propriated to the Nuclear Regulatory Commission, to re-
 14 main available until expended—

1 (1) \$530,200,000 for fiscal year 1994, of which
2 \$22,000,000 are authorized to be appropriated from
3 the Nuclear Waste Fund established by section
4 302(c) of the Nuclear Waste Policy Act of 1982 (42
5 U.S.C. 10222(c)) (referred to in this title as the
6 “Nuclear Waste Fund”); and

7 (2) \$541,417,000 for fiscal year 1995, of which
8 \$22,000,000 are authorized to be appropriated from
9 the Nuclear Waste Fund.

10 (b) OFFICE OF THE INSPECTOR GENERAL.—In ac-
11 cordance with section 1105(a)(25) of title 31, United
12 States Code, there are authorized to be appropriated to
13 the Office of the Inspector General of the Nuclear Regu-
14 latory Commission, to remain available until expended—

15 (1) \$4,800,000 for fiscal year 1994; and

16 (2) \$5,000,000 for fiscal year 1995.

17 **SEC. 102. ALLOCATION OF AMOUNTS AUTHORIZED.**

18 (a) IN GENERAL.—The amounts authorized to be ap-
19 propriated under section 101(a) for fiscal years 1994 and
20 1995 shall be allocated as follows:

21 (1) REACTOR SAFETY AND SAFEGUARDS REGU-
22 LATION.—Not more than \$161,002,000 for fiscal
23 year 1994, and not more than \$166,215,000 for fis-
24 cal year 1995, may be used for reactor safety and
25 safeguards regulation.

1 (2) REACTOR SAFETY RESEARCH.—Not more
2 than \$92,795,000 for fiscal year 1994, and not more
3 than \$89,318,000 for fiscal year 1995, may be used
4 for reactor safety research.

5 (3) REACTOR SPECIAL AND INDEPENDENT RE-
6 VIEWS, INVESTIGATIONS, AND ENFORCEMENT.—Not
7 more than \$30,731,000 for fiscal year 1994, and not
8 more than \$31,674,000 for fiscal year 1995, may be
9 used for reactor special and independent reviews, in-
10 vestigations, and enforcement.

11 (4) NUCLEAR MATERIAL AND LOW-LEVEL
12 WASTE SAFETY AND SAFEGUARDS REGULATION.—
13 Not more than \$61,627,000 for fiscal year 1994,
14 and not more than \$66,556,000 for fiscal year 1995,
15 may be used for nuclear material and low-level waste
16 safety and safeguards regulation.

17 (5) HIGH-LEVEL NUCLEAR WASTE REGULA-
18 TION.—Not more than \$22,000,000 for fiscal year
19 1994, and not more than \$22,000,000 for fiscal year
20 1995, from the Nuclear Waste Fund, may be used
21 for high-level nuclear waste regulation.

22 (6) NUCLEAR SAFETY MANAGEMENT AND SUP-
23 PORT.—Not more than \$162,045,000 for fiscal year
24 1994, and not more than \$165,654,000 for fiscal

1 year 1995, may be used for nuclear safety manage-
2 ment and support.

3 (b) LIMITATIONS CONCERNING REACTOR SAFETY
4 RESEARCH.—The Nuclear Regulatory Commission may
5 use not more than 1 percent of the amounts allocated
6 under subsection (a)(2) to exercise the authority of the
7 Commission under section 31 a. of the Atomic Energy Act
8 of 1954 (42 U.S.C. 2051(a)) to make grants and enter
9 into cooperative agreements with organizations, including
10 universities, State and local governments, and not-for-
11 profit institutions. Grants made by the Commission under
12 such section shall be made in accordance with chapter 63
13 of title 31, United States Code, and other applicable law.

14 (c) REALLOCATION.—

15 (1) IN GENERAL.—Except as provided in para-
16 graphs (2) and (3), an amount allocated for a fiscal
17 year to the Nuclear Regulatory Commission pursu-
18 ant to a paragraph of subsection (a) for the purpose
19 of the program referred to in the paragraph, may be
20 reallocated by the Commission for use in a program
21 referred to in any other paragraph of such sub-
22 section.

23 (2) LIMITATION ON REALLOCATION.—The
24 amount available from appropriations for a fiscal
25 year for use in a program referred to in subsection

1 (a) may not, as a result of reallocations made under
2 paragraph (1), be increased or reduced by more than
3 \$500,000 until the date that is 30 days after the
4 date on which the Commission notifies the Commit-
5 tee on Energy and Commerce and the Committee on
6 Natural Resources of the House of Representatives
7 and the Committee on Environment and Public
8 Works of the Senate of the increase or reduction.
9 The notification shall contain a full and complete
10 statement of the reallocation to be made and the
11 facts and circumstances relied on in support of the
12 reallocation.

13 (3) USE OF CERTAIN FUNDS.—Amounts au-
14 thorized to be appropriated from the Nuclear Waste
15 Fund under this title may be used only for the high-
16 level nuclear waste activities of the Commission and
17 may not be reallocated for other Commission activi-
18 ties.

19 **SEC. 103. RETENTION OF FUNDS.**

20 Amounts received by the Nuclear Regulatory Com-
21 mission for the cooperative nuclear safety research pro-
22 gram, services rendered to foreign governments and inter-
23 national organizations, and the material and information
24 access authorization programs (including criminal history

1 checks under section 149 of the Atomic Energy Act of
2 1954 (42 U.S.C. 2169))—

3 (1) notwithstanding section 3302 of title 31,
4 United States Code, may be retained and used, sub-
5 ject to appropriations, for salaries and expenses as-
6 sociated with the activities referred to in this sec-
7 tion; and

8 (2) shall remain available until expended.

9 **SEC. 104. TRANSFER OF CERTAIN FUNDS.**

10 (a) IN GENERAL.—Subject to subsection (b), from
11 amounts appropriated to the Nuclear Regulatory Commis-
12 sion pursuant to section 101(a), except for appropriations
13 from the Nuclear Waste Fund, the Commission may
14 transfer amounts to the Office of the Inspector General
15 of the Commission.

16 (b) MAXIMUM TRANSFER.—For each fiscal year, the
17 total amount transferred under subsection (a) may not ex-
18 ceed 5 percent of the amount authorized to be appro-
19 priated under section 101(b) for the fiscal year.

20 **SEC. 105. LIMITATION.**

21 Notwithstanding any other provision of this title, no
22 authority to make payments under this title shall be effec-
23 tive except to such extent or in such amounts as are pro-
24 vided in advance in appropriation Acts.

1 **TITLE II—NUCLEAR POWER**
2 **PLANT SAFETY AND SECURITY**

3 **SEC. 201. NOTIFICATION REQUIREMENTS.**

4 Section 206 of the Energy Reorganization Act of
5 1974 (42 U.S.C. 5846) is amended to read as follows:

6 “NONCOMPLIANCE

7 “SEC. 206. (a) IN GENERAL.—A person who con-
8 structs, owns, operates, or supplies a component of a facil-
9 ity or activity that is licensed or otherwise regulated by
10 the Commission pursuant to the Atomic Energy Act of
11 1954 (42 U.S.C. 2011 et seq.) (including a facility leased
12 by the United States Enrichment Corporation established
13 under title II of the Atomic Energy Act of 1954 (42
14 U.S.C. 2297 et seq.)), or pursuant to this Act, and who
15 obtains information reasonably indicating that the facility
16 or activity or a basic component supplied to the facility
17 or activity contains a defect, or fails to comply with the
18 Atomic Energy Act of 1954 or an applicable rule, regula-
19 tion, order, or license of the Commission, shall imme-
20 diately notify the Commission of the defect or failure to
21 comply—

22 “(1) if the defect or failure to comply could cre-
23 ate a substantial safety hazard (as defined by regu-
24 lations issued by the Commission); and

1 “(2) unless the person has actual knowledge
2 that the Commission has been informed in writing of
3 the defect or failure to comply.

4 “(b) REGULATIONS.—The Commission may issue
5 such regulations and orders as the Commission considers
6 necessary to ensure compliance with this section, including
7 regulations and orders that require a person subject to
8 this section to develop and implement procedures, consist-
9 ent with the notification requirements of subsection (a),
10 to identify, evaluate, and report defects and failures to
11 comply.

12 “(c) PENALTIES FOR FAILURE TO NOTIFY.—

13 “(1) IN GENERAL.—Except as provided in para-
14 graph (2), a person who fails to provide a notifica-
15 tion required under subsection (a), or who violates
16 a regulation or order issued under subsection (b),
17 shall be subject to a civil penalty in the same man-
18 ner and amount as is provided for a violation that
19 is subject to a civil penalty under section 234 of the
20 Atomic Energy Act of 1954 (42 U.S.C. 2282).

21 “(2) EXCEPTION.—An individual who is subject
22 to this section solely because of the employment of
23 the individual by a person subject to this section
24 shall be assessed a civil penalty for failure to provide

1 notice pursuant to subsection (a) only if the individ-
2 ual has actual knowledge of—

3 “(A) the notification requirement of sub-
4 section (a); and

5 “(B) a defect or a failure to comply de-
6 scribed in subsection (a).

7 “(d) POSTING OF REQUIREMENTS.—A description of
8 the requirements of this section shall be prominently post-
9 ed on the business premises of a person who is required
10 to notify the Commission of a defect or failure to comply
11 under subsection (a).

12 “(e) INSPECTION AND ENFORCEMENT.—The Com-
13 mission may conduct such reasonable inspections, inves-
14 tigations, and other enforcement activities as the Commis-
15 sion considers necessary to ensure compliance with this
16 section and with any regulations and orders issued under
17 this section.

18 “(f) APPLICABILITY.—

19 “(1) DEFINITION OF PERSON.—As used in this
20 section, the term ‘person’ has the same meaning as
21 is provided in section 11 s. of the Atomic Energy
22 Act of 1954 (42 U.S.C. 2014(s)), except that—

23 “(A) the term also includes the Depart-
24 ment of Energy with respect to—

1 “(i) a facility of the Department regu-
2 lated by the Commission; and

3 “(ii) an item provided by the Depart-
4 ment as a component to a licensee; and

5 “(B) the term does not include an individ-
6 ual unless the individual is—

7 “(i) a sole proprietor or partner of a
8 business that constructs, owns, operates,
9 or supplies a component referred to in sub-
10 section (a); or

11 “(ii) a director or responsible officer
12 employed by a person subject to such sub-
13 section.

14 “(2) UNITED STATES ENRICHMENT CORPORA-
15 TION.—This section shall apply to the United States
16 Enrichment Corporation established under title II of
17 the Atomic Energy Act of 1954 (42 U.S.C. 2297 et
18 seq.) and a facility leased by the Corporation, and
19 a director or officer of the Corporation, to the same
20 extent as this section applies to any other person
21 subject to this section.”.

1 **SEC. 202. CIVIL MONETARY PENALTIES FOR VIOLATIONS**
2 **OF RULES, REGULATIONS, ORDERS, OR LI-**
3 **CENSING REQUIREMENTS.**

4 (a) IN GENERAL.—Subsection a. of section 234 of
5 the Atomic Energy Act of 1954 (42 U.S.C. 2282(a)) is
6 amended to read as follows:

7 “a. CIVIL PENALTIES.—

8 “(1) IN GENERAL.—A person who—

9 “(A) violates—

10 “(i) a licensing provision of section
11 53, 57, 62, 63, 81, 82, 101, 103, 104,
12 107, or 109, or a rule, regulation, or order
13 issued under the provision;

14 “(ii) a certification provision of sec-
15 tion 1701, or a rule or regulation issued
16 under the provision;

17 “(iii) a term, condition, or limitation
18 of a license or certification issued under a
19 section referred to in clause (i) or (ii); or

20 “(iv) a rule, regulation, or order is-
21 sued under subsection b., i., or o. of sec-
22 tion 161; or

23 “(B) commits a violation for which a li-
24 cense may be revoked under section 186;

1 shall be subject to a civil penalty, to be imposed by
 2 the Commission, of not to exceed \$100,000 for each
 3 such violation.

4 “(2) CONTINUING VIOLATIONS.—If a violation
 5 described in paragraph (1) continues for more than
 6 1 day, each day of the violation shall constitute a
 7 separate violation for the purpose of determining the
 8 applicable civil penalty.

9 “(3) MODIFICATION OF PENALTY.—The Com-
 10 mission may compromise, mitigate, or remit a pen-
 11 alty required to be imposed under this subsection.”.

12 (b) CONFORMING AMENDMENTS.—

13 (1) Section 234 of such Act (42 U.S.C. 2282)
 14 is amended—

15 (A) in the section heading, by inserting
 16 “RULES, REGULATIONS, ORDERS, OR” before
 17 “LICENSING REQUIREMENTS”;

18 (B) by inserting after “b.” the following:
 19 “NOTIFICATION BY THE COMMISSION.—”; and

20 (C) by inserting after “c.” the following:
 21 “ACTION BY THE ATTORNEY GENERAL.—”.

22 (2) The table of contents of such Act (42
 23 U.S.C. prec. 2011) is amended by striking the item
 24 relating to section 234 and inserting the following
 25 new item:

“Sec. 234. Civil monetary penalties for violations of rules, regulations, orders, or licensing requirements.”.

1 **SEC. 203. REPORT OF ADVISORY COMMITTEE ON REACTOR**
2 **SAFEGUARDS.**

3 The sixth sentence of section 29 of the Atomic En-
4 ergy Act of 1954 (42 U.S.C. 2039) is amended by striking
5 “annually” and inserting “every 2 years”.

6 **SEC. 204. CARRYING OF FIREARMS BY LICENSEE EMPLOY-**
7 **EES.**

8 Section 161 k. of the Atomic Energy Act of 1954 (42
9 U.S.C. 2201(k)) is amended—

10 (1) in the first complete sentence—

11 (A) by inserting “and licensees (including
12 employees of contractors of licensees)” after
13 “(at any tier)”; and

14 (B) by striking “owned by or contracted to
15 the United States or being transported to or
16 from such facilities” and inserting “owned by
17 or contracted to the United States or licensed
18 by the Commission, or being transported to or
19 from the facilities,”;

20 (2) in paragraph (1) of the fourth complete sen-
21 tence, by inserting “or a licensee of the Commis-
22 sion” after “or a contractor of the Department of
23 Energy or Nuclear Regulatory Commission”; and

1 (3) in the last complete sentence, by inserting
2 “and the Commission” after “The Secretary”.

3 **SEC. 205. UNAUTHORIZED INTRODUCTION OF DANGEROUS**
4 **WEAPONS.**

5 The first sentence of section 229 a. of the Atomic
6 Energy Act of 1954 (42 U.S.C. 2278a(a)) is amended by
7 inserting before the period at the end the following: “, or
8 a production facility, utilization facility, or facility for the
9 receipt, storage, or disposal of spent nuclear fuel that is
10 subject to the licensing authority of the Commission under
11 this Act or any other Act”.

12 **SEC. 206. SABOTAGE OF PRODUCTION, UTILIZATION, OR**
13 **WASTE STORAGE FACILITIES UNDER CON-**
14 **STRUCTION.**

15 (a) IN GENERAL.—Subsection a. of section 236 of
16 the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)) is
17 amended to read as follows:

18 “a. IN GENERAL.—A person who intentionally and
19 willfully destroys or causes physical damage to, or who in-
20 tentionally and willfully attempts to destroy or cause phys-
21 ical damage to—

22 “(1) a production facility or utilization facility
23 licensed under this Act;

1 “(2) a nuclear waste storage or disposal facility
2 licensed by the Commission under this Act or any
3 other Act;

4 “(3) a production, utilization, or waste storage
5 or disposal facility subject to licensing by the Com-
6 mission under this Act or any other Act during the
7 construction of the facility, if the destruction or
8 damage caused or attempted to be caused could af-
9 fect public health and safety during the operation of
10 the facility;

11 “(4) a nuclear fuel for a utilization facility li-
12 censed under this Act, or a spent nuclear fuel from
13 such a facility; or

14 “(5) a uranium enrichment facility licensed by
15 the Nuclear Regulatory Commission;

16 shall be fined not more than \$10,000 or imprisoned for
17 not more than 10 years, or both.”.

18 (b) CONFORMING AMENDMENT.—Section 236 of
19 such Act (42 U.S.C. 2284) is amended by inserting after
20 “b.” the following: “INTERRUPTIONS OF NORMAL OPER-
21 ATION.—”.

22 **SEC. 207. CIVIL PENALTIES FOR VIOLATIONS OF MEDICAL**
23 **THERAPY LICENSES.**

24 Section 234(a)(1) of the Atomic Energy Act of 1954
25 (42 U.S.C. 2282(a)(1)) (as amended by section 202) is

1 further amended by adding at the end the following new
2 sentence: “The Commission shall set a base amount of
3 \$20,000 for a violation of section 104 if the violation is
4 of either a Severity Level I or II magnitude.”.

5 **SEC. 208. TRAINING AND EDUCATION FOR MEDICAL THER-**
6 **APY LICENSES.**

7 Not later than 1 year after the date of enactment
8 of this Act, the Nuclear Regulatory Commission shall up-
9 grade the education, training, and experience require-
10 ments for those persons permitted under license to possess
11 nuclear byproduct materials for medical use.